

## OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

JUN 26 1985

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

JAMES R. SOLOMON, JR.  
DEPUTY ATTORNEY GENERAL  
  
WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT  
  
WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL  
  
JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

Honorable Fred W. Moore  
Coffee County Coroner  
Elba Division  
P. O. Box 303  
Elba, Alabama 36323

Coroners - Vacancy of Office -  
Offices and Officers

Where a sheriff dies in office  
and the county has two coroners,  
both should be sworn in to fill  
the vacancy until a successor is  
appointed.

Dear Mr. Moore:

You have requested an opinion from this office which  
opinion request reads as follows:

"I am one of the two Coroners serving  
Coffee County. This county has a coroner  
for the Enterprise Division and one for the  
Elba Division. . . .

a. If something should happen to the  
County Sheriff which coroner would serve  
in his place until one could be appointed?

b. Does each coroner have jurisdiction  
in the other coroner's division in his  
absent?

c. Can one of the county deputy serve  
as a Deputy Coroner?"

Honorable Fred W. Moore  
Coffee County Coroner  
Page Two

In response to your first question, this office has previously held that where a sheriff dies in office and the county has two coroners, both should be sworn in to fill the vacancy until a successor is appointed. Informal Opinions of the Attorney General, March 2, 1979, File 63. (Copy attached)

In response to your second question, it is the opinion of this office that where a county has two coroners the jurisdiction of each coroner would extend to the entire county unless expressly limited by statute.

In response to your third question, it is the opinion of this office that a county deputy could serve as a deputy coroner since neither position would be an office of profit under the Constitution of Alabama of 1901.

I hope I have satisfactorily answered your inquiry with regard to these matters.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By:

  
JACK M. CURTIS  
Assistant Attorney General

JMC/dn

Attachment

# OFFICE OF THE ATTORNEY GENERAL

63  
CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

LEE L. HALE  
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT

WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

March 2, 1979

ADMINISTRATIVE BUILDING  
54 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205), 834-5150

Honorable Joel Folmar  
District Attorney  
Twelfth Judicial  
Courthouse  
Elba, Alabama 36323

## Sheriffs - Coroners

Where a sheriff dies in office and the county has two coroners, both should be sworn in to fill the vacancy until a successor is appointed.

Dear Mr. Folmar:

This office has received your opinion request of March 1, 1979 in which you ask the question:

Who should discharge the duties of the sheriff of Coffee County when the sheriff has died and there are two coroners, each having a separate jurisdiction within the county?

The answer to your question is that both coroners should be sworn to discharge the sheriff's duties jointly until such time as a successor to the sheriff is appointed.

Code of Alabama 1975, § 11-5-5 requires the county coroner to discharge the duties of the sheriff when the sheriff's office is vacant or the sheriff is otherwise unable to act. It makes no reference to the specific problem at hand since in most counties there is only one coroner. Section 11-5-5 does not, however, contain any provision which would prevent both coroners from being sworn and discharging the sheriff's duties jointly until a successor

Honorable Joel Folmar  
March 2, 1979  
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is appointed. Given a situation such as you present, having both coroners serve would be entirely consistent with the language and purpose of § 11-5-5.

I hope this fully answers your question. If this office can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By-

A handwritten signature in cursive script that reads "John Gibbs".

JOHN GIBBS  
Assistant Attorney General

JG:dd